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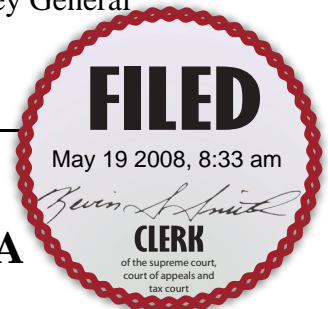
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**IN THE
COURT OF APPEALS OF INDIANA**



SHARON YATES,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A02-0711-CR-972

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable William Nelson, Judge
Cause No. 49F07-0407-CM-127991

May 19, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Sharon Yates challenges the sufficiency of the evidence supporting her convictions for class A misdemeanor battery and class A misdemeanor resisting law enforcement. We affirm.

The facts most favorable to the judgment indicate that on July 13, 2004, Indianapolis police officers Michael Skeens and Christopher Cooper responded to a dispatch regarding a disturbance at Westview Hospital. The dispatch advised the officers that the woman creating the disturbance reported having a gun and wanting to shoot someone. Officer Skeens spoke briefly with a hospital staff member and then entered Yates's treatment room. Officer Cooper remained outside the door. When Yates saw Officer Skeens, she became agitated, stood up quickly, assumed a defensive posture by backing up against a wall, and shouted, "I am not going with you anywhere." Tr. at 5-6.

Officer Skeens attempted to calm Yates and explained that the officers were there to transport her to another hospital for assistance with her mental health. Still agitated, Yates attempted to call her husband on her cell phone. When she handed Officer Skeens the phone, he terminated the call. Yates then shouted, "Don't you hang up on him[,] " and smacked Officer Skeens's hand, causing him pain. *Id.* at 6, 10. To prevent further altercations, Officer Skeens and Officer Cooper attempted to handcuff Yates. When Officer Skeens ordered Yates to turn around and place her hands behind her back, she refused and clenched her arms tightly around her chest. The officers succeeded in placing one of Yates's arms behind her back, but she flailed, twisted, and pulled away in an effort to avoid being further restrained.

Once restrained, Yates shouted and screamed, and the officers took her outside to avoid further disturbances to other patients. Yates continued to scream and pull away from the officers as she exited the building. The officers transported her first to Wishard Hospital for evaluation and then to the county jail, whereupon the State charged her with battery and resisting law enforcement. On August 13, 2007, the trial court found Yates guilty as charged.

Yates contends that the evidence was insufficient to support her convictions. When reviewing a sufficiency challenge, we neither reweigh the evidence nor judge witness credibility. *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005). Rather, we consider only the evidence most favorable to the judgment and the reasonable inferences supporting it. *Id.* “We affirm if there is substantial evidence of probative value from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt.” *Purvis v. State*, 829 N.E.2d 572, 587 (Ind. Ct. App. 2005) (citation omitted) *trans. denied, cert denied* (2006).

The evidence most favorable to the judgment indicates that Yates committed class A misdemeanor battery by knowingly striking Officer Skeens in an angry manner while he was engaged in the execution of his official duty. Ind. Code § 35-42-2-1(a)(1)(B). To the extent she challenges the severity of the touching, we note that “[a]ny touching, however slight, may constitute battery.” *Impson v. State*, 721 N.E.2d 1275, 1285 (Ind. Ct. App. 2000). To the extent she challenges her angry intent, we note that both the content of her statements and the volume of her voice when Officer Skeen entered and when he terminated her phone call support a reasonable inference that she struck him in an angry manner. Yates essentially asks us to reweigh evidence regarding her intent, which we may not do. The evidence was

sufficient to support Yates's battery conviction.

Likewise, the evidence supports the trial court's conclusion that Yates committed class A misdemeanor resisting law enforcement by knowingly and forcibly resisting, obstructing, or interfering with the officers while they were lawfully engaged in the execution of their duties. Ind. Code § 35-44-3-3(a)(1). The record indicates not only that she failed to follow Officer Skeens's instructions, but also that she flailed, twisted, and pulled away from the officers as they attempted to restrain her. Even after the officers restrained her, she continued to pull away as she exited the building with them. Again, she merely asks us to reweigh evidence and judge her the more credible witness, which we may not do. The evidence was sufficient to support Yates's resisting law enforcement conviction.

Affirmed.

BARNES, J., and BRADFORD, J., concur.